

**UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge John F. Keenan
United States District Court
Southern District of New York

Judge Bruce M. Selya
United States Court of Appeals
First Circuit

Judge Julia Smith Gibbons
United States Court of Appeals
Sixth Circuit

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: [202] 502-2800
Fax: [202] 502-2888

<http://www.jpml.uscourts.gov>

June 23, 2003

Tony Anastas, Clerk
2300 John Joseph Moakley U.S. Courthouse
One Courthouse Way
Boston, MA 02210-3002

Re: MDL-1456 -- In re Pharmaceutical Industry Average Wholesale Price Litigation

State of California, ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc., et al.,
C.D. California, C.A. No. 2:03-2238

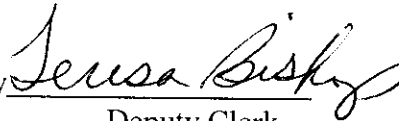
Dear Mr. Anastas:

A conditional transfer order was filed in the above-captioned action on May 20, 2003. Prior to the expiration of that order's fifteen-day stay, opposition to the proposed transfer was filed and, pursuant to Rule 7.4(c) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435 (2001), the conditional transfer order was stayed until further order of the Panel. Inasmuch as the opposing party has failed to file the required motion and brief to vacate the conditional transfer order, an order is being filed lifting the stay of the conditional transfer order and transferring the action to your district pursuant to 28 U.S.C. § 1407. I am enclosing a certified copy of today's order lifting the stay.

A list of involved counsel is attached.

Very truly,

Michael J. Beck
Clerk of the Panel

By 
Deputy Clerk

Enclosures

cc: Transferee Judge: Judge Patti B. Saris
Transferor Judge: Judge Dean D. Pregerson
Transferor Clerk: Sherri R. Carter

JPML Form 68

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JUN 23 2003

FILED
CLERK'S OFFICE

DOCKET NO. 1456

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE
LITIGATION**

*State of California, ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc.,
et al.*, C.D. California, C.A. No. 2:03-2238

ORDER LIFTING STAY OF CONDITIONAL TRANSFER ORDER

A conditional transfer order was filed in this action (*State of California*) on May 20, 2003. Prior to expiration of that order's fifteen-day stay of transmittal, plaintiff in *State of California* filed a notice of opposition to the proposed transfer. Plaintiff has now advised the Panel that it withdraws its initial opposition to the conditional transfer order.

IT IS THEREFORE ORDERED that the stay of the Panel's conditional transfer order designated as "CTO-12" filed on May 20, 2003, is LIFTED, and thus this action is transferred to the District of Massachusetts for inclusion in the coordinated or consolidated pretrial proceedings under 28 U.S.C. § 1407 being conducted by the Honorable Patti B. Saris.

FOR THE PANEL:

Michael J. Beck

Michael J. Beck
Clerk of the Panel

INVOLVED COUNSEL LIST
DOCKET NO. 1456
IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE
LITIGATION

State of California, ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc., et al.,
C.D. California, C.A. No. 2:03-2238

Daniel D. McMillan
Jones, Day, Reavis & Pogue
555 W 5th Street
Suite 4600
Los Angeles, CA 90013

Adam D. Miller
Engstrom, Lipscomb & Lack
10100 Santa Monica Blvd.
16th Floor
Los Angeles, CA 90067

John J. Quinn
Arnold & Porter
777 South Figueroa Street
44th Floor
Los Angeles, CA 90017

William S. Schneider
Attorney General Office
Deputy Attorney General
1455 Frazee Road
Suite 315
San Diego, CA 92108